



Massachusetts Department of Environmental Protection
 Bureau of Resource Protection - Wetlands
WPA Form 9 – Enforcement Order
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

DEP File Number:

Amendment #3

A. Violation Information

Important:
 When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



This Enforcement Order is issued by:

Amesbury 4.7.2021 as amended 9.13.21 and
 Conservation Commission (Issuing Authority) 12.9.21

To:

Samuel Reed
 Name of Violator
72 Elm Street
 Address

1. Location of Violation:

Property Owner (if different)
72 Elm Street
 Street Address
Amesbury 01913
 City/Town Zip Code
53 63
 Assessors Map/Plat Number Parcel/Lot Number

2. Extent and Type of Activity (if more space is required, please attach a separate sheet):

On April 2, 2021 a site visit was conducted at the above cited address to assess possible violations due to the occurrence of regulated activities being conducted without a valid Order of Conditions or a Negative Determination of Applicability as defined by the MA Wetlands Protection Act (MGL ch.131 sec. 40) and the City of Amesbury Wetlands Ordinance within a jurisdictional area to the Back River. Present were Rick Foye, Building Inspector, City of Amesbury Building Department and myself (conservation agent). Efforts were made to contact the property owner by knocking on the door and various windows. No one appeared present and failing to attract anyone's attention, we entered the site pursuant to MGL ch. 131 sec. 40 and 310 CMR 10.08(1) and Amesbury Wetlands Regulations sec. 9.0 through an entrance opening in a perimeter fence. The purpose of entry was to determine if the location of regulated activities (excavation of slope and altering drainage) was within 200 ft. to the Back River. Mr. Foye had in his possession a 350 ft. tape measure which was used to measure the distance from the edge of excavation and stockpiled, uncontained sediment. A measurement taken indicated the work site to be



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less than 180 ft. from the riparian bank to the Bank River putting the site within the outer 200 ft. Riverfront Area pursuant to the aforementioned state and local wetlands laws making the work, and location regulated.

See Attachment to Enforcement Order for further directives required by the property owner to be in compliance with this enforcement order. Failure to meet the directives may result in a fine of \$100 per day per violation. In addition, this Enforcement Order may be recorded on the deed.

At the 9.7.21 meeting, the Amesbury Conservation Commission unanimously voted to amend the enforcement order dated 4.7.21 to approve the implementation of the submitted draft restoration plan(s). Due to the concern of the instability of the slope the Commission stipulated that all work was to be complete no later than 10.29.21 unless the applicant requests an extension. In addition, the applicant was to submit a letter from their representative(s) stating that all work was done in compliance with the approved plans. Letter is to be accompanied by sign/stamped as-built plans. Shortly after the start of work the Conservation Commission was notified that due to the presence of unexpected ledge, the approved restoration plan consisting of a wall was not possible. Upon notification, the applicant was instructed to submit a revised draft plan signed and stamped by a structural engineer

At the 12.6.21 meeting, the Commission received written, notarized notice that a purchase and sale of the property had taken place and that the new owner acknowledged being aware of the enforcement order and stated he assumed all legal and financial responsibilities for the site. The amended Enforcement Order as Amended dated 12.9.21 reflects the new ownership and provides directives for submitting a revised draft restoration plan.

Per the Enforcement Order as Amended dated 12.6.21, the property owner is to reestablish erosion control and monitor site weekly to ensure the controls remain fully functional and reestablish perimeter fence to maintain site security.

B. Findings

The Issuing Authority has determined that the activity described above is in a resource area and/or buffer zone and is in violation of the Wetlands Protection Act (M.G.L. c. 131, § 40) and its Regulations (310 CMR 10.00), because:

- the activity has been/is being conducted in an area subject to protection under c. 131, § 40 or the buffer zone without approval from the issuing authority (i.e., a valid Order of Conditions or Negative Determination).



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B. Findings (cont.)

the activity has been/is being conducted in an area subject to protection under c. 131, § 40 or the buffer zone in violation of an issuing authority approval (i.e., valid Order of Conditions or Negative Determination of Applicability) issued to:

Name _____ Dated _____

File Number _____ Condition number(s) _____

The Order of Conditions expired on (date): _____ Date _____

The activity violates provisions of the Certificate of Compliance.

The activity is outside the areas subject to protection under MGL c.131 s.40 and the buffer zone, but has altered an area subject to MGL c.131 s.40.

Other (specify):

C. Order

The issuing authority hereby orders the following (check all that apply):

The property owner, his agents, permittees, and all others shall immediately cease and desist from any activity affecting the Buffer Zone and/or resource areas.

Resource area alterations resulting from said activity shall be corrected and the resource areas returned to their original condition.

A restoration plan shall be filed with the issuing authority on or before 1.31.22
 Date

for the following:

Restoration and stabilization of excavated slope on-site within Riverfront Area to Back River. Draft plans shall be signed/stamped by a structural engineer and submitted to the Conservation Commission for review and approval at the 2.7.22 public meeting.

The restoration shall be completed in accordance with the conditions and timetable established by the issuing authority.



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C. Order (cont.)

- Complete the attached Notice of Intent (NOI). The NOI shall be filed with the Issuing Authority on or before:

Date

for the following:

No further work shall be performed until a public hearing has been held and an Order of Conditions has been issued to regulate said work.

- The property owner shall take the following action (e.g., erosion/sedimentation controls) to prevent further violations of the Act:

Failure to comply with this Order may constitute grounds for additional legal action. Massachusetts General Laws Chapter 131, Section 40 provides: "Whoever violates any provision of this section (a) shall be punished by a fine of not more than twenty-five thousand dollars or by imprisonment for not more than two years, or both, such fine and imprisonment; or (b) shall be subject to a civil penalty not to exceed twenty-five thousand dollars for each violation". Each day or portion thereof of continuing violation shall constitute a separate offense.

D. Appeals/Signatures

An Enforcement Order issued by a Conservation Commission cannot be appealed to the Department of Environmental Protection, but may be filed in Superior Court.

Questions regarding this Enforcement Order should be directed to:

John Lopez

Name

(978) 388-8110 ext. 504

Phone Number

Monday - Tuesday (8 AM-4PM) and Wednesday (9 AM -1 PM)

Hours/Days Available

Issued by:

Amesbury

Conservation Commission

Conservation Commission signatures required on following page.



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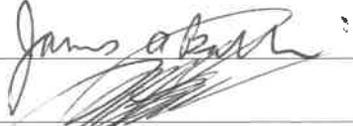
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D. Appeals/Signatures (cont.)

In a situation regarding immediate action, an Enforcement Order may be signed by a single member or agent of the Commission and ratified by majority of the members at the next scheduled meeting of the Commission.

Signatures:

Signature of delivery person or certified mail number

Appendix

BIG BLOCKS HOLDINGS, LLC
2093 Philadelphia Pike #8844
Claymond DE 19703

December 2nd, 2021

Angela Cleveland, Director - OCED
39 South Hunt Road
Amesbury, MA 01913

Re: 72 Elm Street Property

Dear Ms. Cleveland:

Please be advised that Big Blocks Holdings, LLC has purchased the property at 72 Elm Street subject to the enforcement orders issued by the Amesbury Conservation Commission. We will be working diligently to have this property brought into compliance and will take all necessary actions to have the necessary amended plans filed with the Board. In light of the fact that we did not create this problem but are stepping in to remedy it, we would request that no fines be imposed against us.

Big Blocks Holding, LLC



By Samuel Reed, Manager

STATE OF NEW HAMPSHIRE
COUNTY OF ROCKINGHAM, SS.

On this 2nd day of December, 2021, before me, the undersigned notary public, personally appeared **Samuel Reed, Manager of Big Blocks Holdings, LLC**, and proved to me through satisfactory evidence of identification, which was a driver's license, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose.



Notary Public

Print Name:

My Commission Expires:

JANET M. VELLOTTI, Notary Public
My Commission Expires June 16, 2026



GANZ LAW OFFICE
779 Lafayette Road
Post Office Box 238
Seabrook, New Hampshire 03874-0238

Mary Keohan Ganz*
Alan H. Ganz

* Also admitted in MA

Telephone (603) 474-2737
Facsimile (603) 474-3450

December 3, 2021

SENT VIA E-MAIL - clevelanda@amesburyma.gov

Angela Cleveland, Director - OCED
39 South Hunt Road
Amesbury, MA 01913

Re: 72 Elm Street Property

Dear Ms. Cleveland:

Please be advised that this office handled the closing for the property at 72 Elm Street subject to the outstanding enforcement orders which the new owner understands it is taking title subject to. Enclosed herein please find the notarized letter from Samuel Reed as Manager of Big Blocks Holdings, LLC indicating that he understands that this property is subject to said enforcement orders and he is proceeding to have same corrected. I understand that there is a hearing on December 6, 2021 that will be held via Zoom with the conservation commission. Attorney Christos Valhouli will be representing Big Blocks Holdings, LLC for said meeting. Can you send the link to said meeting to Attorney Valhouli at christos@valhouli.com.

Sincerely,

Mary Keohan Ganz, Esq.
NH Bar# 893

MKG/crs

Enc.

cc: Christos J. Valhouli, Esq. (via e-mail)
Samuel Reed (via e-mail)
John Lopez (via e-mail)

9425-B

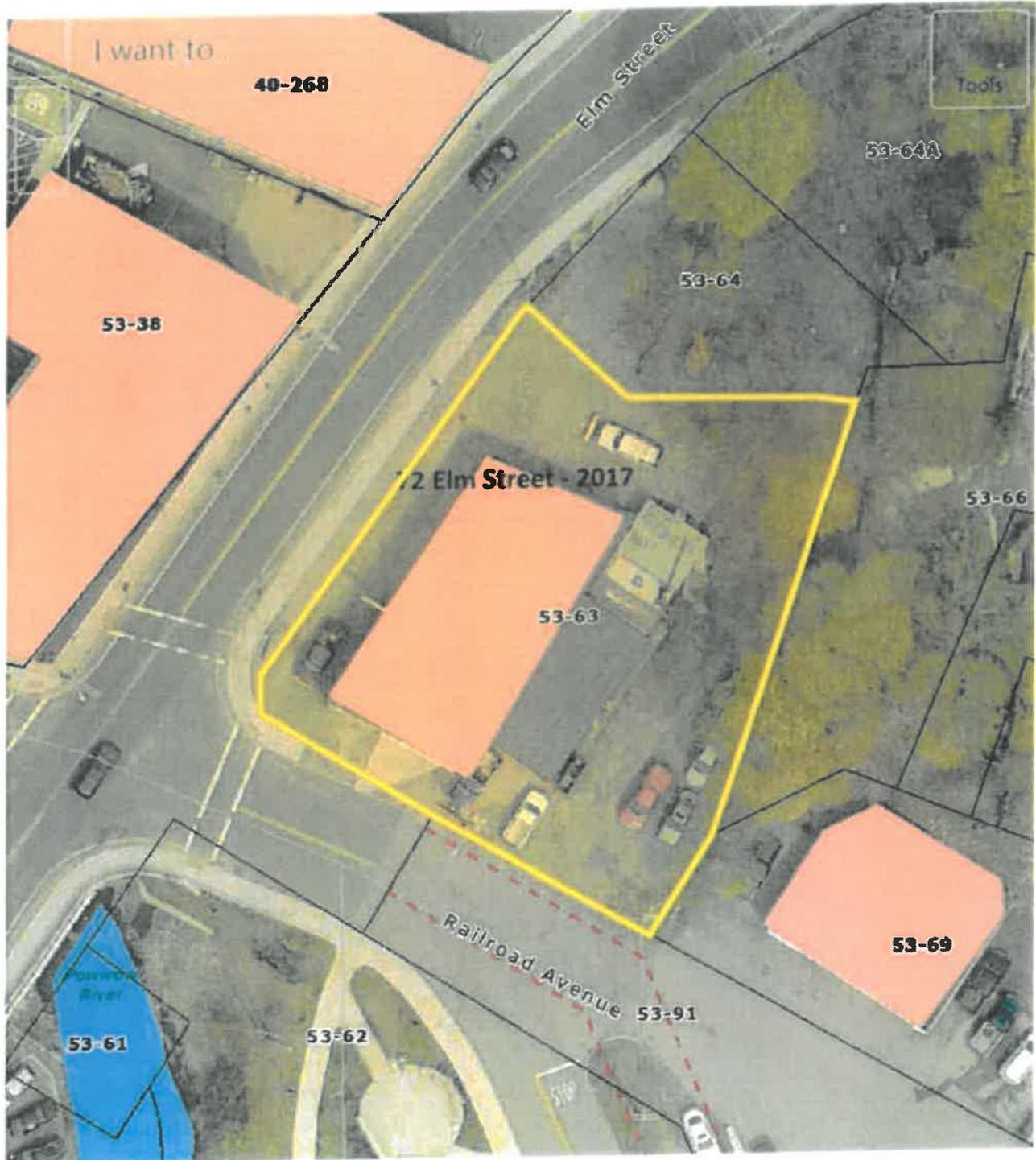
C:\Users\Charlene\Google Drive\Word Perfect Documents - New\LIMITED LIABILITY CO\Big Blocks Holdings, LLC - 9425-B\2021-12-03 Ltr to Angela Cleveland enclosing letter regarding enforcement orders.wpd

2 results found.

Amesbury MIMAP
Merrimack Valley Planning Commission (2020)

Search..

Sign in




Basemaps


40ft

